

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO./TITLE
09/392,842	09/09/99	SAWAN	5 SUR-008

021323

0242/1019

NOT ASSIGNED

TESTA HURWITZ & THIBEAULT
HIGH STREET TOWER
125 HIGH STREET
BOSTON MA 02110

1616

DATE MAILED:

10/19/99

NOTICE TO FILE MISSING PARTS OF APPLICATION Filing Date Granted

An Application Number and Filing Date have been assigned to this application. The items indicated below, however, are missing. Applicant is given TWO MONTHS FROM THE DATE OF THIS NOTICE within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). If any of items 1 or 3 through 5 are indicated as missing, the SURCHARGE set forth in 37 CFR 1.16(e) of \$65.00 for a small entity in compliance with 37 CFR 1.27, or \$130.00 for a non-small entity, must also be timely submitted in reply to this NOTICE to avoid abandonment.

If all required items on this form are filed within the period set above, the total amount owed by applicant as a
☐ small entity (statement filed) ☒ non-small entity is \$ 2192.

- ☒ 1. The statutory basic filing fee is:
☐ missing.
☐ insufficient.

Applicant must submit \$ 740 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).

- ☒ 2. The following additional claims fees are due:

\$ 1224 for 68 total claims over 20.

\$ 78 for 1 independent claims over 3.

\$ _____ for multiple dependent claim surcharge.

01 FC:202

02 FC:203

03 FC:205

04 FC:201

39.00 OP

612.00 OP

65.00 OP

80.00 OP

Applicant must either submit the additional claim fees or cancel additional claims for which fees are due.

- ☒ 3. The oath or declaration:

☒ is missing or unsigned.

☐ does not cover the newly submitted items.

An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date is required.

- ☐ 4. The signature(s) to the oath or declaration is/are by a person other than inventor or person qualified under 37 CFR 1.42, 1.43 or 1.47.

A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.

- ☐ 5. The signature of the following joint inventor(s) is missing from the oath or declaration:

An oath or declaration in compliance with 37 CFR 1.63 listing the names of all inventors and signed by the omitted inventor(s), identifying this application by the above Application Number and Filing Date, is required.

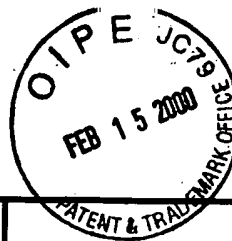
- ☐ 6. A \$50.00 processing fee is required since your check was returned without payment (37 CFR 1.21(m)).
- ☐ 7. Your filing receipt was mailed in error because your check was returned without payment.
- ☐ 8. The application was filed in a language other than English.
Applicant must file a verified English translation of the application, the \$130.00 set forth in 37 CFR 1.17(k), unless previously submitted, and a statement that the translation is accurate (37 CFR 1.52(d)).
- ☐ 9. OTHER:

Direct the reply and any questions about this notice to "Attention: Box Missing Parts."

A copy of this notice **MUST** be returned with the reply.

Karen Smith

Customer Service Center
Initial Patent Examination Division (703) 308-1202



**STATEMENT CLAIMING SMALL ENTITY STATUS
(37 CFR 1.9(f) & 1.27(c))-- SMALL BUSINESS CONCERN**

Attorney Docket No. **SUR-008**
(873/13)

Applicant, Patentee, or Identifier: **Sawan et al.**
Application or Patent No.: **09/392,842**
Filed or Issued: **September 9, 1999**
Title: **Topical Dermal Antimicrobial Compositions, Methods for Generating Same, and Monitoring Methods Utilizing Same**

I hereby state that I am

- ☐ the owner of the small business concern identified below:
☒ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF SMALL BUSINESS CONCERN: Surfacine Development Company, LLC

ADDRESS OF SMALL BUSINESS CONCERN: One Industrial Way, Tyngsboro MA 01879

I hereby state that the above identified small business concern qualifies as a small business concern as defined in 37 CFR 1.9(d) and 13 CFR Part 121 for purposes of paying reduced fees to the United States Patent and Trademark Office, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time, or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby state that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention described in:

- ☐ the specification filed herewith with title as listed above.
☒ the application identified above.
☐ the patent identified above.

If the rights held by the above identified small business concern are not exclusive, each individual, concern, or organization having rights in the invention must file separate statements as to their status as small entities, and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e).

Each person, concern, or organization having any rights in the invention is listed below:

- ☒ no such person, concern, or organization exists.
☐ each such person, concern, or organization is listed below.

Separate statements are required from each named person, concern or organization having rights to the invention stating their status as small entities. (37 CFR 1.27).

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b)).

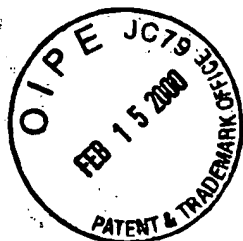
NAME OF PERSON SIGNING Samual P. Sawan, Ph.D.

TITLE OF PERSON IF OTHER THAN OWNER President

ADDRESS OF PERSON SIGNING One Industrial Way, Tyngsboro, MA 01879

SIGNATURE 

DATE  1-21-00



Sector/18

PATENT
Attorney Docket No. SUR-008

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S): Sawan et al.
SERIAL NO.: 09/392,842 GROUP NO.: 1616
FILING DATE: September 9, 1999 EXAMINER: Not yet assigned
TITLE: Topical Dermal Antimicrobial Compositions, Methods for Generating Same, and Monitoring Methods Utilizing Same

CERTIFICATE OF FIRST CLASS MAILING UNDER 37 C.F.R. 1.8

I hereby certify that this correspondence, and any document(s) referred to as enclosed herein, is/are being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to the Assistant Commissioner for Patents, Washington, DC 20231, Attention: Box Missing Parts, on this 10th day of February, 2000.


Sarah J. Blackwell

Assistant Commissioner for Patents
Washington, D.C. 20231
Attention: Box Missing Parts

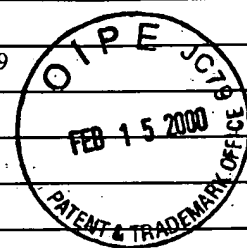
Sir:

Submitted herewith is/are:

Certificate of First Class Mailing (1 pg.); Transmittal Form (1 pg.); Fee Transmittal (1 pg.); Notice to File Missing Parts of Application (PTO-1533) (1 pg.); Declaration and Power of Attorney (4 pgs.); Statement Claiming Small Entity Status (37 CFR 1.9(f) & 1.27)—Small Business Concern (1 pg.); Petition of Extension of Time Under 37 CFR 1.136(a) (1 pg.)(Two Month Extension of Time); Check in the amount of \$1,286.00; and postcard.

TRANSMITTAL FORM

Application Serial Number	09/392,842
Filing Date	September 9, 1999
First Named Inventor	Sawan
Group Art Unit	1616
Examiner Name	Not yet assigned
Attorney Docket No.	SUR-008



ENCLOSURES (check all that apply)

- | | | |
|---|--|---|
| <input checked="" type="checkbox"/> Fee Transmittal Form
<input checked="" type="checkbox"/> Check Attached
<input type="checkbox"/> Copy of Fee Transmittal Form

<input type="checkbox"/> Amendment/Response

<input type="checkbox"/> After Final
<input type="checkbox"/> Affidavits/declaration(s)
<input type="checkbox"/> Letter to Official Draftsperson including Drawings [Total Sheets ____]

<input checked="" type="checkbox"/> Extension of Time Request

<input type="checkbox"/> Information Disclosure Statement
<input type="checkbox"/> Form PTO-1449
<input type="checkbox"/> Copies of IDS Citations

<input type="checkbox"/> Certified Copy of Priority Document(s)

<input type="checkbox"/> Response to Missing Parts/Incomplete Application | <input checked="" type="checkbox"/> Copy of Notice to File Missing Parts of Application (PTO-1533)

<input type="checkbox"/> Formal Drawing(s)

<input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition to Convert to a Provisional Application

<input type="checkbox"/> Power of Attorney (Revocation of Prior Powers)

<input type="checkbox"/> Terminal Disclaimer

<input checked="" type="checkbox"/> Executed Declaration and Power of Attorney for Utility or Design Patent Application

<input checked="" type="checkbox"/> Small Entity Statement

<input type="checkbox"/> Request for Refund

<input type="checkbox"/> After Allowance Communication to Group | <input type="checkbox"/> Appeal Communication to Board of Patent Appeals and Interferences

<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)

<input type="checkbox"/> Status Letter

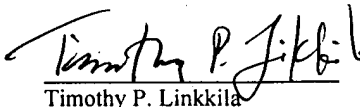
<input checked="" type="checkbox"/> Return Receipt Postcard
<input checked="" type="checkbox"/> Certificate of First Class Mailing under 37 C.F.R. 1.8

<input type="checkbox"/> Additional Enclosure(s) (please identify below) |
|---|--|---|

CORRESPONDENCE ADDRESS

Direct all correspondence to: Patent Administrator
 Testa, Hurwitz & Thibault, LLP
 High Street Tower
 125 High Street
 Boston, MA 02110
 Tel. No.: (617) 248-7000
 Fax No.: (617) 248-7100

SIGNATURE BLOCK

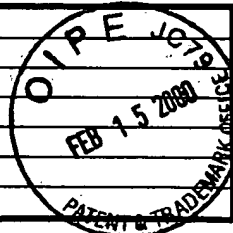
Respectfully submitted,

 Date: February 10, 2000
 Reg. No. 40,702
 Tel. No.: (617) 248-7045
 Fax No.: (617) 248-7100
 Timothy P. Linkkila
 Attorney for Applicant(s)
 Testa, Hurwitz & Thibault, LLP
 High Street Tower
 125 High Street
 Boston, MA 02110

FEE TRANSMITTAL

Note: Effective October 1, 1997.
Patent fees are subject to annual revision

Complete if known

Application Serial Number	09/392,842
Filing Date	September 9, 1999
First Named Inventor	Sawan
Group Art Unit	1616
Examiner Name	Not yet assigned
Attorney Docket No.	SUR-008



METHOD OF PAYMENT

- ☒ Payment Enclosed:
☒ Check ☐ Money Order ☐ Other
- ☒ The Commissioner is hereby authorized to credit or charge any fee indicated below to Deposit Account No. 20-0531.
☐ Required Fees (copy of this sheet enclosed).
☒ Additional fee required under 37 CFR 1.16 and 1.17.
☒ Overpayment Credit.

FEE CALCULATION

1. FILING FEE

Large Entity

Fee (\$)	Fee Description	Fee Paid
760	Utility filing fee	760.00
310	Design filing fee	
150	Provisional filing fee	

	Number Filed	Number Extra	Rate	Amount
Total Claims	88	- 20 = 68	x \$ 18.00 =	1,224.00
Independent Claims	4	- 3 = 1	x \$ 78.00 =	78.00

☐ Multiple Dependent Claim(s), if any \$260.00 =

TOTAL: 2,062.00

SMALL ENTITY DISCOUNT: 1,031.00

SUBTOTAL (1) (\$) 1,031.00

2. AMENDMENT CLAIM FEES

Claims Remaining After Amend.	Highest No. Previously Paid For	Present Extra	Rate	Fee Paid
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Total - = x \$ 18.00 =

Indep. - = x \$ 78.00 =

☐ First Presentation of Multiple Dep. Claim + \$260.00 =

TOTAL: (\$)

SMALL ENTITY DISCOUNT: (\$)

SUBTOTAL (2) (\$) 0.00

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Fee (\$)	Small Entity Fee (\$)	Fee Description	Fee Paid
130	65	Surcharge - late filing fee or oath	65.00
50	25	Surcharge - late provisional filing fee or	
130	130	Non-English specification	
2,520	2,520	For filing a request for reexamination	
110	55	Extension for reply within first month	
380	190	Extension for reply within second month	190.00
870	435	Extension for reply within third month	
1,360	680	Extension for reply within fourth month	
1,850	925	Extension for reply within fifth month	
300	150	Notice of Appeal	
300	150	Filing a brief in support of an appeal	
260	130	Request for oral hearing	
130	130	Petitions to the Commissioner	
50	50	Petitions related to provisional applications	
240	240	Submission of Information Disclosure Statement (37 CFR 1.97(c))	
130	130	Submission of Information Disclosure Statement (37 CFR 1.97(d))	
760	380	Filing a submission after final rejection (37 CFR 1.129(a))	
760	380	For each additional invention to be examined (37 CFR 1.129(b))	
		Other (Specify)	

SUBTOTAL (3) (\$) 255.00

SUBTOTAL (1) 1,031.00

SUBTOTAL (2) 0.00

SUBTOTAL (3) 255.00

TOTAL (\$) 1,286.00

CORRESPONDENCE ADDRESS

Direct all correspondence to:
Patent Administrator
Testa, Hurwitz & Thibault, LLP
High Street Tower
125 High Street
Boston, MA 02110
Tel. No.: (617) 248-7000
Fax No.: (617) 248-7100

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SIGNATURE BLOCK

Date: February 10, 2000
Reg. No.: 40,702
Tel. No.: (617) 248-7045
Fax No.: (617) 248-7100

Respectfully submitted,

Timothy P. Linkila
Attorney for the Applicants
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125 High Street
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